

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

ANDREA EGGLESTON MAYO,

Plaintiff,

v.

CHRISTOPHER CAPPS,  
MAURICE ALFONSO  
EGGLESTON, JOHN CALVIN  
WHITE, J. MICHAEL  
CONAWAY, LORI COLLIER  
INGRAM, BENJAMIN LEWIS,  
and KALIA LANE,

Defendants.

CASE NO. 1:17-CV-355-WKW  
[WO]

**ORDER**

Before the court is the Recommendation of the Magistrate Judge (Doc. # 6), to which Plaintiff Andrea Eggleston Mayo filed objections (Doc. # 7). The court conducted an independent and *de novo* review of those portions of the Recommendation to which objection is made. *See* 28 U.S.C. § 636(b).

In her objection, Ms. Mayo argues the merits of her case, claiming that she is entitled to relief. In so doing, she misses the thrust of the Recommendation: that her case is due to be dismissed for a lack of subject-matter jurisdiction. Rather, because she has failed to show that the court can properly exercise jurisdiction under 28

U.S.C. §§ 1331 or 1332, the Magistrate Judge properly recommended dismissal without prejudice. *See Burns v. Windsor Ins. Co.*, 31 F.3d 1092, 1094 (11th Cir. 1994) (placing on the removing party the burden of establishing federal jurisdiction).

Accordingly, it is ORDERED as follows:

1. Plaintiff Andrea Eggleston Mayo's objection (Doc. # 7) is OVERRULED;

2. The Recommendation of the Magistrate Judge (Doc. # 6) is ADOPTED; and

3. This action is REMANDED to the Circuit Court of Houston County, Alabama, for lack of subject-matter jurisdiction.

A final judgment will be entered separately.

DONE this 24th day of July, 2017.

/s/ W. Keith Watkins  
CHIEF UNITED STATES DISTRICT JUDGE